

TITLE 14. Fish and Game Commission

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 355, 713, 1050, 1526, 1528, 1530, 1570, 1572, 1765, and 10504 of the Fish and Game Code and to implement, interpret or make specific sections 355, 711, 713, 1050, 1055.3, 1526, 1528, 1530, 1570-1572, 1585, 1764, 1765, 2006, and 10505 of said Code, proposes to amend sections 550, 551 and 552, Title 14, California Code of Regulations, relating to regulations for hunting and other public uses on state and federal areas.

Informative Digest/Policy Statement Overview

Existing regulations in sections 550, 551 and 552, Title 14, CCR provide for various types of public uses on wildlife areas administered by the Department of Fish and Game (Department). The Department is proposing several regulatory changes to provide greater clarity, impose necessary use restrictions, and increase public use opportunities.

Subsection 550(a)(37)(State Wildlife Areas). The existing regulation would be amended to change the name of a unit of the Grizzly Island Wildlife Area from the Cordelia Unit, to the Garibaldi Unit. The Fish and Game Commission at its June 17, 1994 meeting in Bridgeport, accepted the subject 270± acre parcel as a donation to the Department and designated it the Garibaldi Unit of the Grizzly Island Wildlife Area.

Subsection 550(a)(37)(State Wildlife Areas) would be amended to add the West Family Unit as a Type B area to the Grizzly Island Wildlife Area. The West Family Unit is a new unit of the wildlife area and will be managed as a Type B area.

Subsection 550 (a)(41)(State Wildlife Areas) would be added to the regulations to designate the Hollenbeck Canyon Wildlife Area, located in San Diego County, as a Type C area to reflect the action taken by the Fish and Game Commission at its October 5, 2001 meeting in San Diego.

Subsection 550(a)(79) would be added to the regulations to designate Rhode Island, located in Contra Costa County, a Type C wildlife area. The property was acquired by the Department in 1981. Currently public use occurs on the land, but is not subject to regulation under the provisions of Title 14.

Subsection 550(b)(20)(Possession and Use of Alcohol). Existing regulations permit the Department to eject any person from a state wildlife area for intoxication. However, the regulations do not address the possession and use of alcohol on State and Federal Areas. The regulations would be amended to add a new section clearly stating that no person shall possess or use alcohol while in the field hunting or engaged in other

authorized recreational activities on any State wildlife area or Federal wildlife refuge. For the purpose of this section, "in the field" is defined as all areas except checking stations and designated parking areas. The amendment brings the regulations into consistency with similar Federal regulations.

Subsection 551(a)(2)(F)(San Luis National Wildlife Refuge) would be amended to include the West Bear Creek, and Freitas Units as part of the San Luis National Wildlife Refuge. These units have always been a part of the refuge and included in section 552(a)(6) of the regulations. The amendment corrects this inadvertent omission.

Subsection 551(a)(2)(G)(Sonny Bono Salton Sea National Wildlife Refuge). The existing subsection has a misspelling. The regulation would be amended to correct the spelling of Impaerial to Imperial.

Subsection 551(f)(Requirements for Entry Permits and Tresspass). The existing regulation states that entry must be made at locations designated by the department. The regulation would be amended to state entry and exit must be made at locations designated by the department.

Subsection 551(q)(Additional Regulations for Specific Areas) would be amended to list the Hollenbeck Canyon Wildlife Area as a wildlife area requiring specific regulations not included in Subsection 550(b)(Area Regulations). The Fish and Game Commission designated the area as Hollenbeck Canyon Wildlife Area at its October 5, 2001 meeting in San Diego.

Subsection 551(q)(Additional Regulations for Specific Areas) would be amended to list Rhode Island Wildlife Area as a wildlife area requiring specific regulations not included in Subsection 550(b)(Area Regulations).

Subsection 551(q)(17)(D)(1)(Tehama Wildlife Area). The existing regulation permits year-round use of the campgrounds on the wildlife area. The regulation would be amended to prohibit users from entering that portion of the wildlife area south of Antelope Creek during the period beginning on the first Monday in December through the last Friday in March except with the prior written permission of the regional manager. The department has determined that adequate camping and motel facilities are available to potential users during the subject closed period. The amendment will increase hunter opportunity by opening up more of the wildlife area to turkey hunting. The change also reduces disturbance to wintering deer during the breeding season.

Subsection 551(q)(33)(E)(Oroville Wildlife Area). The existing regulation permits that only paper targets may be used at the target practice area. The change was adopted by the Commission to eliminate the use of target materials, such as glass, metal, cans, etc., that could not be easily removed from the range. The proposed amendment would permit the use of clay targets.

Subsection 551(q)(35)(A), (B), (C), (D), and (E)(Rhode Island Wildlife Area) would be added to the regulations to permit the department to regulate public uses on the wildlife area. The addition of the proposed regulations would allow the Department to establish method of take restrictions, prohibit use of rifles and pistols, and provide for the take of waterfowl, coots, and moorhens daily, during open seasons. The proposed regulations would also prohibit the camping and construction of structures on the Island which is accessible only by boat.

Subsection 551(q)(38)(D)(Spenceville Wildlife Area). The existing regulation permits that only paper targets may be used at the target practice area. The change was adopted by the Commission to eliminate the use of target materials, such as glass, metal, cans, etc., that could not be easily removed from the range. The proposed amendment would permit the use of clay targets.

Subsections 551(q)(46)(B), (D), and (F)(Grizzly Island Wildlife Area) would be amended to add reference to the West Family Unit in the regulations for the Grizzly Island Wildlife Area. The West Family Unit would be managed as a Type B wildlife area.

Subsections 551(q)(46)(B), and (F)(Grizzly Island Wildlife Area)(Garibaldi Unit). The existing regulations list the unit as the Cordelia unit. The Fish and Game Commission at its June 17, 1994 meeting in Bridgeport, accepted the subject 270± acre parcel as a donation to the Department and designated it the Garibaldi Unit. The regulation would be amended to change the name of the unit to the Garibaldi Unit.

Subsection 551(q)(46)(F)(Grizzly Island Wildlife Area). The existing regulation lists waterfowl hunt days and closures periods for certain units of the wildlife area with the same subject dates in separate sentences. The regulation would be amended to clarify and simplify the language by deleting certain regulatory language and sentences in the regulation and combining the reference language into other existing language that addresses units of the wildlife area managed in the same manner. The existing regulation refers to the "general waterfowl season" which is sometimes confusing to hunters. The regulation would be amended to delete "general" from the language to clarify that waterfowl season now includes special youth hunt days. The existing regulation refers to the use of dogs only during organized field trials, but does not specify when dogs are allowed on the area or are prohibited. The regulation would be amended to clarify when dogs and/or dog training is allowed on the wildlife area. Sight-hounds or coursing dogs would not be allowed because staff have determined they disturb and are detrimental to wildlife. The regulation would prohibit users from bringing dogs onto the wildlife area during the ground nesting bird season, March 1 through June 30. The regulation would be amended to close the Gold Hills, Goodyear Slough, Grey Goose, and West Family Units of the wildlife area, from all public use, except with prior written permission from the area manager, from the end of the waterfowl hunting season to September 30. General unrestricted public access cannot be managed properly with existing staff levels. The regulation would be amended to

keep the Island Slough Unit of the wildlife area open to public use, excluding dogs, During the same period of time. Dogs would be excluded from Island Slough because the area is managed to protect the endangered salt marsh harvest mouse. The existing regulation allows boats to be launched from the Grizzly Island Unit of the wildlife area. The regulation would be amended to prohibit launching boats from the unit because the launch area is no longer safe to use. The regulation would be amended to prohibit the use of all terrain vehicles (ATV's) on all units of the Grizzly Island Wildlife Area. Staff have determined that the use of ATV's is detrimental to the sensitive peat soils and related habitats and disturb other public users, particularly during hunting seasons, because of noise the ability to access closed areas.

Subsection 551(q)(60)(A)(1)(Cottonwood Creek Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the Lower Cottonwood Creek Unit of the wildlife area. The regulation would be amended to make it clear that the use of shotguns and archery equipment are approved methods of take. The regulation would also be amended to clarify that only archery equipment may be used from the start of the Zone A archery deer season, until the start of the Zone A general deer season, when firearms may be used.

Subsection 551(q)(60)(A)(5)(Cottonwood Creek Wildlife Area). The existing regulation does not specify that vehicles are not allowed beyond the Lower Cottonwood Creek Unit wildlife area parking lot. The regulation would be amended to prohibit vehicles from being driven beyond the parking lot into the closed zone.

Subsection 551(q)(60)(B)(1)(Cottonwood Creek Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the Upper Cottonwood Creek Unit of the wildlife area. The regulation would be amended to make it clear that the use of shotguns and archery equipment are approved methods of take. The regulation would also be amended to clarify that only archery equipment may be used from the start of the Zone A archery deer season, until the start of the Zone A general deer season, when firearms may be used.

Subsection 551(q)(60)(B)(5)(Cottonwood Creek Wildlife Area). The existing regulation does not specify that vehicles are not allowed beyond the Upper Cottonwood Creek Unit wildlife area parking lot. The regulation would be amended to prohibit vehicles from being driven beyond the parking lot into the closed zone.

Subsection 551(q)(62)(A)(Little Panoche Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the wildlife area. The regulation would be amended to make it clear that the use of shotguns and archery equipment are approved methods of take.

Subsection 551(q)(63)(A)(Los Banos Wildlife Area). The existing regulation addresses only ammunition restrictions and does not specify allowed method of take. The regulation would be amended to change the name of the subsection from "Ammunition

Restrictions”, to “Method of Take”. The regulation would be amended to specify that the use of shotguns and archery equipment is permitted.

Subsection 551(q)(63)(B)(Los Banos Wildlife Area). The existing regulation does not specifically state that when the wildlife area is closed to all general public use, it is also closed to hunting. The regulation would be amended to make it clear that when the wildlife area is closed to all public use, it is also closed to hunting.

Subsection 551(q)(63)(F)(Los Banos Wildlife Area). The existing regulation allows for up to three hunters to enter the Zone 6, 6J, and Mud Slough, hunting units under one reservation. Comfortable and safe three person blind sites are not always available on a consistent basis, causing confusion among hunters. The regulation would be amended to change and clearly set the number of hunters allowed to enter these blind sites to two hunters in the following combinations: For the Zone 6 unit, two hunters. For Zone 6J, and Mud Slough units, one adult hunter and one junior hunter. The existing regulation is also not clear in stating the Department’s intent that hunters entering the wildlife area under the same reservation must hunt together as one party. Some parties will split up and use more than one blind site or area which displaces other hunters. This is unsportsmanlike and causes conflict in the field. The regulation would be amended to make it clear that hunters entering the wildlife area on the same reservation will be assigned to same hunt site.

Subsection 551(q)(63)(G)(Los Banos Wildlife Area). The existing regulation states that the wildlife area is closed to all public uses from September 15 until the opening of waterfowl hunting season. General public users, particularly wildlife viewers, become confused concerning where on the area they are allowed to access during waterfowl season. The regulation would be amended to clearly state that the wildlife area will be closed during the waterfowl and pheasant hunting seasons to all public use, except for controlled hunting. The existing regulation providing for wildlife observation during waterfowl season would not be amended.

Subsection 551(q)(65)(F)(North Grasslands Wildlife Area). The existing regulation is not clear in stating the Department’s intent that hunters entering the wildlife area under the same reservation must hunt together as one party. Some party’s will split up and use more than one hunt area which displaces other hunters, causing conflict in the field. The regulation would be amended to add this subsection to make it clear that hunters entering the wildlife area must have a Type A Permit. The regulation would also make it clear that hunters entering the area under one reservation will be assigned to the same hunt site.

Subsection 551(q)(66)(A)(O’Neill Forebay Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the wildlife area. The regulation would be amended to make it clear that shotguns and archery equipment permitted.

Subsection 551(q)(67)(A)(San Luis Reservoir Wildlife Area). The existing regulation

states that rifles and pistols are prohibited on the wildlife area. The regulation would be amended to make it clear that shotguns and archery equipment are permitted.

Subsection 551(q)(68)(A)(Volta Wildlife Area). The existing regulation addresses only ammunition restrictions and does not specify allowed method of take. The regulation would be amended to change the name of the subsection from "Ammunition Restrictions", to "Method of Take", and would permit the use of shotguns and archery equipment.

Subsection 551(q)(68)(D)(Volta Wildlife Area). The existing regulation limits camping and trailers to parking at the checking station parking lot during waterfowl season. The regulation would be amended to permit hunters with boat trailers to drive past parking lot 1 to launch their boats during waterfowl and pheasant seasons only. The regulation would also be amended to prohibit hunters from parking or stopping vehicles, except to launch a boat, between designated parking areas on the wildlife area for the purpose of gaining an unfair advantage over other hunters and to prevent disturbing hunters already in the field.

Subsection 551(q)(68)(F)(Volta Wildlife Area). The existing regulation is not clear in stating the Department's intent that hunters entering the wildlife area under the same reservation must hunt together as one party. Some party's split up and use more than one area which displaces other hunters causing conflict in the field. The regulation would be amended to change the subsection name from "Entry Permits" to "Reservations and Entry Permits", for added clarity. The regulation would also make it clear that hunters entering the area on the same reservation will receive the same hunt site assignment.

Subsection 551(q)(71)(A), (B), (C), (D), (E), (F) and (G)(Hollenbeck Canyon Wildlife Area) would be added to the regulations to increase recreational opportunities for a range of public users by allowing the Department to regulate public uses on the wildlife area. Currently the Department regulates public use on the wildlife area through authority granted to the Regional Manager in Subsection 550(b)(1)(Regional Manager's Authority). The addition of the proposed regulations would allow the Department to establish method of take restrictions on the wildlife area for safety, and would prohibit the use of rifles and pistols, while allowing for the take of upland game birds and resident small game when in season. The regulations would prohibit camping, and fires all year round because of the extreme fire danger conditions that exists in the area. The regulations would also provide for dog training on the wildlife area as set forth in Subsection 550, but would limit the possession and release of birds for dog training to male only ring-neck pheasants, bobwhite quail, mallard ducks with at least one clipped wing, and either sex feral pigeons. The proposed regulations would also permit the Department to designate trails or routes on the wildlife area for equestrian and bicycle access. Possession of paint ball guns and engaging in paint ball related recreational activities would be prohibited on the wildlife area because these activities are not compatible uses on wildlife areas.

Subsection 552(a)(1)(D)(Colusa National Wildlife Refuge). The existing regulation currently does not allow camping on the refuge. The refuge parking lot and checking station are opened to public access at 6:00 p.m. on the evening prior to each waterfowl hunt day for an 8:00 p.m. nonreservation drawing. Hunters that enter the drawing are permitted to stay in their vehicles until they are processed onto the refuge early the following morning. The regulation would be amended to bring State regulations into conformity with Federal regulations for the area, and would make it clear that tents, and open fires are not permitted on the refuge.

Subsection 552(a)(1)(E)(Delevan National Wildlife Refuge). The existing regulation currently does not allow camping on the refuge. The refuge parking lot and checking station are opened to public access at 6:00 p.m. on the evening prior to each waterfowl hunt day for an 8:00 p.m. nonreservation drawing. Hunters that enter the drawing are permitted to stay in their vehicles until they are processed onto the refuge early the following morning. The regulation would be amended to bring State regulations into conformity with Federal regulations for the area, and would make it clear that tents, and open fires are not permitted on the refuge.

Subsection 552(a)(4)(B)(Merced National Wildlife Refuge). The existing regulation refers to waterfowl hunting as duck hunting. The regulation would be amended to clarify that waterfowl hunting includes species other than ducks.

Subsection 552(a)(4)(G)(Merced National Wildlife Refuge). The existing regulation is not clear in stating the Department's intent that hunters entering the wildlife refuge under the same reservation must hunt together as one party. Some party's split up and use more than one blind site or hunting area displacing other hunters causing conflict in the field. The regulation would be amended to add this subsection making it clear that hunters entering the wildlife area under one reservation will receive the same hunt assignment.

Subsection 552(a)(5)(E)(Sacramento National Wildlife Refuge). The existing regulation currently does not allow camping on the refuge. The refuge parking lot and checking station are opened to public access at 6:00 p.m. on the evening prior to each waterfowl hunt day for an 8:00 p.m. nonreservation drawing. Hunters that enter the drawing are permitted to stay in their vehicles until they are processed onto the refuge early the following morning. The regulation would be amended to bring State regulations into conformity with Federal regulations and would make it clear that tents, and open fires are not permitted.

Subsection 552(a)(6)(C)(San Luis National Wildlife Refuge). The existing regulation restricts pheasant hunting on the Kesterson Unit to the free roam area designated along Highway 140. The regulation would be amended to reflect recent adjustments and changes made to the pheasant hunt program to make it more flexible. This change is necessary to provide needed management discretion in the selection of sites to prepare and maintain as habitat for pheasants. The regulation would also be amended

to enable the Department to designate hunting areas and days when pheasant hunting will be allowed.

Subsection 552(a)(6)(F)(San Luis National Wildlife Refuge). The existing regulation is not clear in stating the Department's intent that hunters entering the wildlife refuge under the same reservation must hunt together as one party. Some party's split up and use more than one blind site or hunting area displacing other hunters which causes conflict in the field. The regulation would be amended make is clear that hunters entering the wildlife area under one reservation will receive the same hunt site assignment.

Subsection 552(a)(8)(D)(Sutter National Wildlife Refuge). The existing regulation does not allow camping on the refuge. The refuge parking lot and checking station are open to public access at 6:00 p.m. on the evening prior to each waterfowl hunt day for the purpose of issuing first-come, first-served numbers to nonreservation hunters. Hunters that arrive the evening prior to the hunt are permitted to stay in their vehicles until they are processed onto the refuge early the following morning. The regulation would be amended to bring State regulations into conformity with Federal regulations and would make it clear that tents, and open fires are not permitted.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Lakeland Village Beach and Mountain Resort, Lakeshore Room, 3535 Lake Tahoe Blvd., South Lake Tahoe, NV on Thursday, June 20, 2002 at 10:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Hall, City Council Chambers, 990 Palm Street, San Luis Obispo on Friday, August 2, 2002 at 8:30 a.m. or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments may be submitted on or before Friday, July 26, 2002, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than Friday, August 2, 2002 at the hearing in San Luis Obispo. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding phone number. John Anderson, Department of Fish and Game, (916) 445-3472 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed

action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Hunting and other public uses on state and federal areas benefits local businesses because users utilize motels, restaurants, and sporting good stores.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the

proposed action.

- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

John M. Duffy
Assistant Executive Director

Date: May 21, 2002